

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

KRISTIN WORTH, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil No. 21-1348
)	
v.)	Judge Katherine M. Menendez
)	Magistrate Judge Leo I. Brisbois
JOHN HARRINGTON, in his)	
individual capacity and in his)	PLAINTIFFS' MOTION TO
official capacity as Commissioner)	EXTEND DEADLINE TO FILE
of the Minnesota Department of)	MOTION UNDER FED. R. CIV.
Public Safety <i>et al.</i> ,)	P. 54
)	
Defendants.)	

Plaintiffs respectfully move this Court for an order extending the deadline to file a motion for costs and fees under Federal Rule of Civil Procedure 54 until a date to be set by the Court after any appeal in this case is dispositively resolved and no further avenues for appeal remain. Defendants consent to this extension.

In support of this motion, Plaintiffs state:

1. This Court granted summary judgment to Plaintiffs on March 31, 2023 and enjoined Defendants from enforcing the law challenged by Plaintiffs in this suit. *See* Order, Doc. 84.
2. That same day, the State moved to stay the injunction or, in the alternative, relief from the Court's order, and requested that judgment be withheld during the pendency of that motion. *See* Emergency Motion, Doc. 85.

3. The next day, the Court entered an order directing that final judgment not be entered pending resolution of the emergency motion. *See* Order, Doc. 89. At the current time, judgment has not been entered.

4. Once judgment is entered, Plaintiffs' motion for fees and costs—for which they are eligible under 42 U.S.C. § 1988—will be due in 14 days. *See* Fed. R. Civ. P. 54.

5. In view of the State's motion requesting a stay, which indicates an intent to appeal this Court's decision, and to promote judicial efficiency, Plaintiffs move to extend the deadline to file their motion seeking fees until after any appeal in this case is finally resolved and all avenues of appeal are exhausted or closed, including certiorari to the United States Supreme Court.

6. Counsel for Plaintiffs have conferred with counsel for Defendants before filing this motion and all parties have agreed to extending this deadline.

WHEREFORE, Plaintiffs respectfully request that this Court enter the attached proposed Order.

Dated: April 10, 2023

Blair W. Nelson
Minnesota Bar No. 0237309

BLAIR W. NELSON, LTD.
205 7th Street N.W. Suite 3
Bemidji, MN 56601
(218) 444-4531
bwnelson@paulbunyan.net

Respectfully submitted,

/s/David H. Thompson

David H. Thompson*
DC Bar No. 450503
Peter A. Patterson*
DC Bar No. 998668
William V. Bergstrom*
DC Bar No. 241500

COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 220-9600
(202) 220-9601 (fax)
dthompson@cooperkirk.com
ppatterson@cooperkirk.com
wbergstrom@cooperkirk.com
*Admitted *pro hac vice*

Attorneys for Plaintiffs